

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA
:
- v. -
:
24 Civ.8559(VSB)
:
ALL ASSETS AND FUNDS FORMERLY
CONTAINED IN BINANCE ACCOUNT ID
804093810, INCLUDING:
:
143,141.22354808 Internet Computer (IC);
21,040.21498360 Avalanche (AVAX);
7,668,131.89194094 Ripple (XRP);
3,947,566.56755894 Cardano (ADA); and
43,137.54120377 Solana (SOL);
:
Defendants-*in-rem*.
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:
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WHEREAS, on or about November __, 2024, the United States commenced an *in rem* forfeiture action by the filing of a Verified Civil Complaint for Forfeiture (the “Verified Complaint”), seeking the forfeiture of all assets and funds formerly contained in Binance Account ID 804093810 (the “Subject Account”), including:

- a. 143,141.22354808 Internet Computer (IC);
- b. 21,040.21498360 Avalanche (AVAX);
- c. 7,668,131.89194094 Ripple (XRP);
- d. 3,947,566.56755894 Cardano (ADA);
- e. 43,137.54120377 Solana (SOL); and

(a. through e., collectively, the “Defendant-*in-rem*”);

WHEREAS, on or about December 21, 2023, the Honorable Lewis A. Kaplan, United States District Judge for the Southern District of New York, executed a Seizure Warrant authorizing the Government to seize the Defendant-*in-rem*;

WHEREAS, on or about December 21, 2023, the Government seized the Subject Account and the Defendant-*in-rem* was transferred to a United States Marshals Service wallet;

WHEREAS, the owner of the Subject Account (the “Claimant”), through counsel, Andrew Adams, Esq., Jason Wright, Esq., and Kaitlyn Kocharian, Esq (“Claimant’s Counsel”) has advised the Government that the Claimant is the owner of the Subject Account and has asserted an interest in the Defendant-*in-rem*;

WHEREAS, the Claimant by and through counsel, has provided the Government with documentation regarding the Subject Account and the Defendant-*in-rem*;

WHEREAS, the Government and the Claimant have agreed to resolve their respective interests in the Defendant-*in-rem* without further litigation; and

WHEREAS, Claimant’s Counsel, represents and warrants that they are authorized to execute this Stipulation on behalf of their client, the Claimant;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Danielle M. Kudla, of counsel, the Claimant, by his attorney, Andrew Adams, Esq., Jason Wright, Esq., and Kaitlyn Kocharian, Esq., that:

1. The Government acknowledges the Claimant’s superior interest in 50% of the Defendant-*in-rem*, specifically, 50% of the number of “coins” or “tokens” reflected in each of the five respective blockchains listed as “a.” through “e.” above (the “Claimant’s Share”), and shall not seek a Judgment of Forfeiture forfeiting the Claimant’s Share to the Government.

2. Upon entry of this Stipulation and Order, the Government shall return the Claimant's Share by transferring the cryptocurrency to the Claimant in a manner to be agreed upon by the Government and Claimant's Counsel.

3. The Claimant agrees to hold harmless the United States (including but not limited to the Department of Justice ("DOJ"), Federal Bureau of Investigation ("FBI"), United States Marshals Service ("USMS"), and the United States Attorney's Office for the Southern District of New York ("USAO-SDNY")), and any agents and employees of the United States, from any and all claims in connection with or arising out of the transfer of the Claimant's Share to the Claimant including but not limited to any third-party claims of ownership of the Claimant's Share.

4. The Government's agreement to this Stipulation and Order is expressly premised upon the truthfulness, accuracy and completeness in every material part of the representations made by counsel for the Claimant.

5. The parties hereby waive all rights to challenge or contest the validity of this Stipulation and Order.

6. Each party shall bear its own costs and attorney's fees.

7. This Stipulation and Order constitutes the complete agreement of the parties and may not be amended without express written authorization from all parties.


8. This Court shall have exclusive jurisdiction over the interpretation and enforcement of this Stipulation and Order.

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9. The signature page of this Stipulation may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:  11/6/24

DATE
Danielle M. Kudla
Assistant United States Attorney
26 Federal Plaza, 37th Floor
New York, NY 10278
(212) 637-2304

Claimant

By:  11/6/24

DATE
Jason Wright, Esq.
Kaitlyn Kocharian, Esq.
Wright, Mallet-Prevost, Colt & Mosle LLP
101 Park Avenue
New York, New York 10178

Andrew Adams, Esq.
Steptoe LLP
1114 Avenue of the Americas
New York, New York 10036

SO ORDERED:

HONORABLE
UNITED STATES DISTRICT JUDGE

DATE